

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN GREER,

Plaintiff,

vs.

D. T. MARSHALL, et al.,

Defendants.

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Civil Action No. 2:06-cv-783-ID

SPECIAL REPORT

COME NOW the Defendant Sheriff D. T. Marshall, by and through his attorney of record, Thomas T. Gallion, III and the law firm of Haskell Slaughter Young & Gallion, LLC and in response to this Honorable Court's Order dated September 11, 2006 submit the following Special Report to this Court.

DOCUMENTS

Affidavit of D.T. Marshall

Affidavit of Gina M. Savage

Handbook on Inmate Rules and Regulations

PLAINTIFF'S ALLEGATIONS

Plaintiff filed a Complaint on August 23, 2006 against Defendants Sheriff D. T. Marshall, Montgomery County Commission¹ and Richard Allen.

¹ In Judge Walker's September 11, 2006 Recommendations of the Magistrate Judge, she recommended that Montgomery County Commission be dismissed as a Defendant.

Plaintiff alleges that on June 8, 2006, that Defendant Marshall has failed to appropriate funds to provide Plaintiff with a safe, adequately ventilated cell and failed to repair the ventilation system within his cell that he feels is a violation of his 8th and 14th Amendment Rights. Plaintiff alleges that Defendant Marshall failed to hire an adequate number of employees to operate the Detention Facility and failed to provide Plaintiff with forty-five (45) minutes a day of exercise and due to the over crowded conditions, it poses a security threat for Plaintiff, which violates his constitutional rights. Plaintiff alleges that Defendant Marshall's policy and regulations at the Detention Facility does not provide access to a Notary Public unless it is a federal document and then it cost Plaintiff fifty cents per copy, which Plaintiff believes is a violation of state law. Plaintiff alleges that Defendant Marshall failed to implement policies, practices and provide funding to permit the Plaintiff the right to weekly practice of their religion, which Plaintiff believes is a violation of his constitutional rights. Plaintiff alleges that Defendant Marshall failed to appropriate funds to provide inmates soap for bathing, which Plaintiff alleges is a violation of his 8th and 14th Amendment Rights. Plaintiff alleges that Defendant Marshall failed to provide funding and supervision to assure that Plaintiff's laundry is properly washed and clean, which Plaintiff believes is a violation of his constitutional rights. Plaintiff alleges that Defendant Marshall failed to request and appropriate funds to properly place adequate second bed in each cell and Plaintiff request installation of ladders or steps to assist inmates to get into the top bunk in order to ease the pain and difficult task of getting into the top bunk. Plaintiff alleges that Defendant Marshall failed to adequately fund monies for food and employees to prepare food and failed to provide three hot meals a day which he believes are violations of his 8th and 14th Amendment

Rights. Plaintiff alleges that Defendant Marshall failed to allow him his right to get married while being detained, which he feels is against his 1st and 14th Amendment Rights. Plaintiff alleges that Sheriff Marshall has failed to allow Plaintiff his right to maintain his family and friends relationship in society and restricts the number of visitors and how often the names can be changed, which Plaintiff believes also encompasses protection of Plaintiff's right to effective counsel. Plaintiff alleges that Sheriff Marshall has the "capacity to pre-program the attorneys" in the greater Montgomery area and permit free phone calls to the attorneys office and is not providing this service to the Plaintiff. Plaintiff alleges that it is Sheriff Marshall's fault that the court appointed attorneys for indigent inmates visit to discuss witnesses and evidence only once or not at all. Plaintiff alleges that Defendant Marshall could provide but has failed to provide free nail clipping service for Inmates which is a basic health care need that Plaintiff believes is abuse of process implemented by Sheriff to "hog money" and is against his 8th Amendment Rights. Plaintiff alleges that Defendant Marshall has failed to appropriate funds to provide adequate law library and employees to allow Plaintiff more than thirty minutes a week usage; failed to provide Shepard Citations to perform legal research; failed to provide carbon paper; failed to provide legal forms such as cover sheets, summons and dockets; and failed to provide indigent inmate with free copies, which Plaintiff believes is against his 1st and 14th Amendment Rights. Plaintiff alleges that Sheriff Marshall has failed to appropriate funds to provide filtered clean water and provide ice for drinking water. Plaintiff alleges that Sheriff Marshall has failed to appropriate funds to permit all inmates to attend the GED program, which is against his 14th Amendment Rights.

FACTS

1. Plaintiff entered the Montgomery County Detention Facility on July 13, 2006, charged with TOP II and Burglary III. Bond was set for \$10,000 for each. (See Affidavit of Gina M. Savage attached hereto.)

2. It is the policy of the Montgomery County Detention Facility that every effort will be made on the part of the facility personnel to ensure safe custody, decent living conditions and fair treatment for all inmates. (See Affidavit of D. T. Marshall attached hereto.)

3. The Sheriff of Montgomery County prepares a budget based on the number of inmates, the number of staff and the amount of monies available to properly maintain and ensure safe custody, decent living conditions, and fair treatment of all inmates housed in the Montgomery County Detention Facility ("The Detention Facility"). The Montgomery County Commission reviews the budget request and approves a budget based on the amount of money available.

4. The Montgomery County Detention Facility has an adequate heating/air system maintained by the Montgomery County Maintenance Department. Defendant Marshall has no knowledge of nor is there a work order in his file showing that the air conditioner was not functioning properly on or about June 8, 2006.

5. A civilian recreation technician is employed by the Montgomery County Detention Facility, who is responsible for all facility recreation programs and for ensuring that inmates receive at least one hour of either indoor or outdoor recreation each week. Recreation is provided Monday through Friday between 7:00 am and 4:00 pm.

There is no record of Plaintiff Greer participating in recreation. (See Exhibit C, page 6, D.)

6. A Notary Public is available to provide notary services for Federal legal documents at a charge of fifty cents (\$.50). Paperwork to the District Court and Circuit Court from an inmate does not require notarization. (See Exhibit C, page 16, N.)

7. Religious services are offered by the Detention Facility Chaplain from Monday through Friday. Requests for additional services or programs may be addressed to the Captain of Inmate Programs/Services. (See Exhibit C, page 5.)

8. Soap may be purchased from the inmate commissary. If an inmate is classified as indigent and cannot purchase items from the commissary, that inmate may complete an indigent request form and submit it once each week requesting an indigent pack, which includes soap. (See Exhibit C, page 2, B. Personal Cleanliness and page 6.)

9. Inmate uniforms and linens are washed weekly. Washers and dryers are maintained and replaced whenever necessary. The laundry is supervised by Captain of Inmate Programs/Services and staffed by civilian personnel. The laundry is maintained in accordance with jail standards. (See Exhibit C, page 14, H.)

10. Bunk beds in the Detention Facility were purchased from the Department of Corrections and meet all DOC specifications and standards.

11. The Detention Facility provides three nutritious well-balanced meals each day prepared under sanitary conditions at a reasonable cost. (See Exhibit C, page 13, E.)

12. It is the policy of the Detention Facility that inmates shall not marry while incarcerated in this facility. (See Exhibit C, page 14, J.)

13. Inmates may list the names of two individuals they wish to visit them on their visitation card. Each visitor may visit for thirty (30) minutes one time each week. Inmates may change the names on their visitation card the first of each month. Because of space limitations and the increase in the jail population, the Detention Facility is not able to accommodate visits from a large number of family and friends. (See Exhibit C, page 10-11, I.)

14. Inmates may meet with their attorneys on Monday through Friday between 8:00 am to 11:00 am and from 2:30 pm to 4:00 pm and 7:00 pm to 9:00 pm. Special permission is granted to attorneys who need additional time with their clients. All inmate telephone calls outside the Detention Facility are collect. Inmates may correspond with their attorney by United States mail service. (See Exhibit C, page 7, F.)

15. Disposable toenail clippers and fingernail clippers are provided by the Detention Facility at no charge to the inmates. (See Exhibit C, page 2, B. 3.)

16. The Detention Facility provides an Inmate Library with a large selection of legal books and literature, as well as a supply of magazines, newspapers and books. The Detention Facility does not have a copy of "Shepard's Citations". Inmates may purchase literature/books at their expense of items not provided by the Inmate Library. The Inmate Library does provide note paper; however inmates must provide their own paper if they require more. If an inmate is indigent and cannot purchase paper from the Commissary, he/she may request an indigent writing pack. The Detention Facility does not provide legal forms or carbon paper. (See Exhibit C, page 5, A. and page 6.)

17. Inmates are provided water supplied by the City of Montgomery. This water is clean and safe for drinking. It is not feasibly possible to supply ice to the inmates.

18. The Board of Education discontinued the adult GED program. (See Exhibit C, page 5.)

19. This inmate has not filed any grievance forms or requested forms to address any if his concerns about any of the above items. (See Exhibit C, page 12, D.)

DEFENSES

1. The Complaint fails to state a claim upon which relief can be granted.

2. Defendant Marshall did not violate any of the Plaintiff's constitutional rights afforded him under law.

3. Plaintiff failed to exhaust his administrative remedies by taking advantage of the inmate grievance system in place at the Montgomery County Detention Facility. Plaintiff's claims should therefore be dismissed. *Alexander v. Hawk*, 159 F. 3rd 1321 (11th Cir. 1998).

4. Defendant Marshall avers that he is entitled to immunity pursuant to the Eleventh Amendment to the United States Constitution and/or qualified immunity from suit.

5. Defendant Marshall avers that he acted in a manner that has been in accordance with previous court rulings regarding the operation of the Montgomery County Detention Facility.

6. Defendant Marshall avers that the prison regulations in question were reasonably related to legitimate penological interests.

MEMORANDUM IN LAW

The Plaintiff's claims do not rise to a constitutional violation. The Plaintiff cannot demonstrate that the conditions at the facility are sufficiently serious or that the Defendant Marshall was deliberately indifferent to his health or safety.

Grievance procedures are available to inmates to address living conditions at the Montgomery County Detention Facility. Plaintiff failed to file any grievance regarding any of his claims in the Complaint. Plaintiff therefore failed to exhaust available administrative remedies, and his claims should therefore be dismissed. *Alexander v. Hawk*, 159 F. 3rd 1321 (11th Cir. 1998).

Plaintiff's claims for damages against Defendant Marshall in his official capacities under 42 U.S.C. §1983 should be dismissed because in his official capacities, Defendant Marshall is not considered "person" subject to liability under §1983. *Will v. Michigan Dept. of State Police*, 491 U.S. 58 (1989). Any such official capacity claims must also be dismissed because Defendant is entitled to immunity under the Eleventh Amendment. *Lancaster v. Monroe County*, 16 F. 3rd 1419 (11th Cir. 1997).

To the extent Plaintiff has asserted his claims against Defendant Marshall in his individual capacity, he is entitled to qualified immunity. "Qualified immunity protects government officials performing discretionary functions from civil trials (and the other burdens of litigation, including discovery) and from liability if their conduct violates no 'clearly established statutory or constitutional rights of which a reasonable person would have known.'" *Gonzales v. Lee County Housing Authority*, 161 F.3rd 1290, 1295 (11th Cir. 1998). Defendant Marshall was acting within the scope of his discretionary authority,

and the burden is therefore on the Plaintiff to demonstrate that his actions violated clearly established law based upon objective standards. Plaintiff cannot meet this burden; therefore, his claims should be dismissed.

Plaintiff must also establish a casual connection between an act of a supervising official and the alleged constitutional violation. *Smith v. State of Alabama*, 996 F. Supp. 1203, 1212 (M.D. Ala. 1998). Defendant is a supervisory official. Plaintiff has failed to establish a casual connection between any of his actions and any alleged constitutional violation. Plaintiff's claims against Defendant Marshall should therefore be dismissed.

There is no evidence that Defendant Marshall had a subjective awareness of a relevant risk of serious harm to the Plaintiff, and that he disregarded that risk. The prison regulations in place at the Montgomery County Detention Facility are reasonable and do not infringe the Plaintiff's constitutional rights. *Turner v Safley*, 482 U.S. 78 (1997).

Defendant Marshall further submits that Plaintiff has also failed to exhaust any applicable grievance procedure with respect to this claim. Defendant Marshall therefore respectfully request that this Court dismiss the Plaintiff's claims and for any other relief to which he may be entitled.

Respectfully submitted this 24th day of October 2006.

s/ Thomas T. Gallion, III
Thomas T. Gallion, III (GAL010)
Attorney for Defendant Marshall
ASB-5295-L74T
E-mail: mp@hsy.com

OF COUNSEL:
Haskell Slaughter Young & Gallion, L.L.C.
305 South Lawrence Street
Post Office Box 4660
Montgomery, Alabama 36103-4660
334-265-8573

fax number: (334) 264-7945

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing document has been served upon the following listed persons by hand delivery or by placing a copy of the same in the United States mail, postage prepaid and properly addressed, on this the 24th day of October 2006.

John Greer #87837
Montgomery County Detention Facility
250 South McDonough Street
Montgomery, Alabama 36104

s/ Thomas T. Gallion, III
Of Counsel

50051-584
#22,654

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOHN GREER, #87837

Plaintiff,

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D. T. MARSHALL, et al.,

Defendants.

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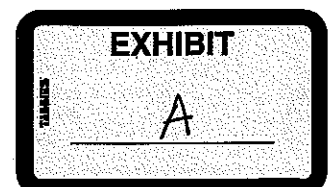
CIVIL ACTION NO. 2:06-CV-783-ID

AFFIDAVIT OF GINA M. SAVAGE

Before me, a Notary Public, personally appeared Gina M. Savage and after being duly sworn, did say as follows:

1. My name is Gina Savage and I am Director of the Montgomery County Detention Facility.
2. I have not violated the constitutional rights of John Greer.
3. Inmate John Greer is a pre-trial inmate. He was arrested July 13, 2006, charged with TOP II, \$10,000 bond and Burglary III, \$10,000 bond.
4. In response to the charges alleged by Inmate Greer, we offer the following:

Count I. The Sheriff of Montgomery County prepares a budget based on the number of inmates, the number of staff and the amount of monies available, to properly maintain and ensure safe custody, decent living conditions, and fair treatment for all inmates housed in the Montgomery County Detention Facility. The Montgomery County Commission reviews the budget request and approves a budget based on the amount of money available.



Charges against Richard Allen, Commissioner of the Alabama Department of Corrections cannot be addressed by the Montgomery County Sheriff's Office.

Count II. The Montgomery County Detention Facility has an adequate heating/air system maintained by the Montgomery County Maintenance Department. We have no knowledge of nor is there a work order in our file showing that the air condition was not functioning properly on or about June 8, 2006.

Count III. The Detention Facility employs a civilian recreation technician. The recreation technician is responsible for all facility recreation programs and for ensuring that inmates receive at least one hour of either indoor or outdoor recreation each week. Recreation is provided Monday through Friday between the hours 7:00 AM and 4:00 PM.

Outdoor recreation is an area measuring 48 feet long by 25 feet wide with a wire mesh covering that allows sunlight and fresh air into the area. There are two basketball goals – one at each end of the floor. Inmates who choose may participate in the game of basketball. Inmates who are out alone may shoot baskets or may walk the area. Indoor recreation also measures 48 feet by 25 feet. This area provides two ping pong tables, a punching bag and medicine balls. There is no record of Inmate Greer participating in recreation.

Count IV. A Notary Public is available to provide notary services for Federal legal documents at a charge of 50 cents. Paperwork to the District Court and Circuit Court are not required to be notarized.

Count V. Religious services are offered by the Detention Facility Chaplain Monday – Friday. Requests for additional services or programs may be addressed to the Captain of Inmate Programs/Services.

Count VI. Soap may be purchased from the inmate commissary. If an inmate is classified indigent and cannot purchase items from the commissary, that inmate may complete an indigent request form and submit it once each week requesting an indigent pack. Soap is included in the indigent pack.

Count VII. Inmate uniforms and linens are washed weekly. Washers and dryers are maintained and replaced whenever necessary. The laundry is supervised by the Captain of Inmate Programs/Services and staffed by civilian personnel. The laundry is maintained in accordance with jail standards.

Count VIII. Bunk beds in the Detention Facility were purchased from the Department of Corrections and meet all DOC specifications and standards.

Count IX. The Montgomery County Detention Facility provides three nutritious, well-balanced meals each day prepared under sanitary conditions at a reasonable cost.

Count X. It is the policy of the Montgomery County Detention Facility that inmates shall not marry while incarcerated in this Facility.

Count XI. Inmates may list the names of two (2) individuals they wish to visit on their visitation card; each visitor may visit for thirty (30) minutes one time each week. Inmates may change the names on their visitation card the first of each month. Because of space limitations and the increase in the jail population, the Detention Facility is not able to accommodate visits from a large number of family and friends.

Count XII. Inmates may meet with their attorneys between the hours 8:00 AM – 11:00 AM; 2:30 PM – 4:00 PM and 7:00 PM – 9:00 PM Monday through Friday. Special permission is granted to attorneys who may need additional time with their clients. All inmate

telephone calls outside the Facility are collect. Inmates may correspond with their attorney via the U. S. Mail service.

Count XIII. Disposable toenail clippers and fingernail clippers are provided by the Detention Facility at no charge to the inmates.

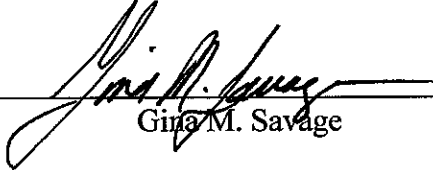
Count VX. The Montgomery County Detention Facility provides an Inmate Library for inmates. The library has a large selection of legal books and literature, as well as a supply of magazines, newspapers and books. We do not provide a copy of "*Shepard's Citations*". Inmates may purchase literature/books, at their expense, not provided by the Inmate Library.

The library provides note paper, however inmates must provide their own paper if they require more. If an inmate is indigent and cannot purchase paper from the Commissary, he/she may request an indigent writing pack. The Detention Facility does not provide legal forms, carbon paper, etc.

Count XV. Inmates are provided water supplied by the City of Montgomery. This water is clean and safe for drinking. It is not feasibly possible to supply ice to the inmates.

Count XVII. Educational class attendance is required for inmates who have not graduated high school and are under the age of 18 (age 21 for special education). Because of lack of funding, the Board of Education discontinued the adult GED program.

There are no grievance forms or request forms on file showing that Inmate Greer has addressed any of these concerns with Administration


Gina M. Savage

Sworn to and subscribed before me this 19th day of October, 2006.

Max Hines Carter
Notary Public
My Commission Expires September 13, 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOHN GREER, #87837

Plaintiff,

v.

D. T. MARSHALL, et al.,

Defendants.

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CIVIL ACTION NO. 2:06-CV-783-ID

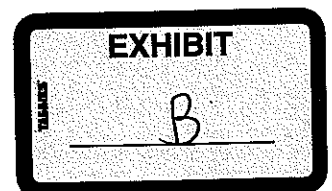
AFFIDAVIT OF D. T. MARSHALL

Before me, a Notary Public, personally appeared D. T. Marshall and after being duly sworn, did say as follows

1. My name is D. T. Marshall and I am Sheriff of Montgomery County, Alabama.
2. I have not violated the constitutional rights of Inmate John Greer.
3. It is the policy of the Montgomery County Detention Facility that every effort will be made on the part of facility personnel to ensure safe custody, decent living conditions, and fair treatment for all inmates.
4. The total, daily operations of the jail are managed by the Director of the Detention Facility, employed by the Montgomery County Sheriff's Office.



D. T. Marshall



Sworn to and subscribed before me this 4th day of October, 2006.

Lisette Barr

Notary Public

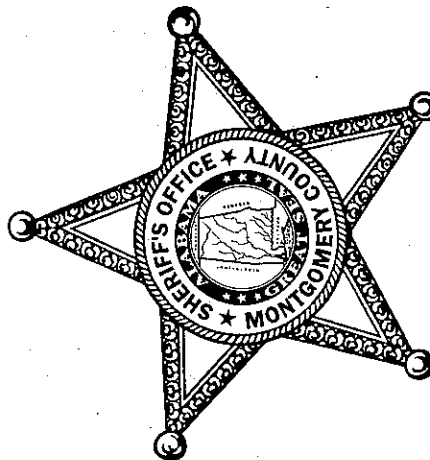
My Commission Expires ¹²⁻¹⁹⁻⁰⁹ ~~September 13, 2010~~

HANDBOOK
on
INMATE RULES AND
REGULATIONS

MONTGOMERY COUNTY DETENTION FACILITY
MONTGOMERY, ALABAMA

A Division Of
The Montgomery County Sheriff's Office

D.T. MARSHALL, SHERIFF



Gina M. Savage
DIRECTOR OF DETENTION

REVISED EDITION January 2004

EXHIBIT

C

Inmate Handbook

Montgomery County Sheriff's Office

D.T. Marshall
Sheriff

Gina M. Savage
Director of Detention

The Montgomery County Detention Facility houses inmates awaiting trial and convicted inmates either serving county sentences or serving state sentences and awaiting transfer to a state penitentiary.

This handbook is intended to inform you of the rules and regulations of the Montgomery County Detention Facility and to clearly define restrictions, privileges, programs and services which will affect your stay here. It is your responsibility to read this handbook so that you may better understand how to conduct yourself.

It is necessary that you understand the basic principles which govern the management of this facility:

1. **Security is of the highest priority** – any action on the part of one or more inmates that jeopardizes or appears to jeopardize security will not be tolerated and will be dealt with quickly and firmly.
2. The safety of all persons in the Montgomery County Detention Facility, both inmates and staff, is equally important to security. All regulations of this facility are designed to promote efficiency and cooperation. Your attitude and conduct will play a major role in determining the quality and/or length of your stay, as well as the programs and services available to you. Additionally, if you are transferred to the State System, comments and recommendations by the Montgomery County Detention Facility Staff, based on your attitude, behavior, and institutional violations, will be forward with you. These comments and recommendations may influence your classification and affect the quality of your stay while in the penitentiary.

1. Inmate Responsibilities

A. Identification Bracelet

1. You will be issued an identification bracelet when you enter the Montgomery County Detention Facility. Your identification bracelet must be worn at all times during your stay and must be turned in when you are released from the facility. If you lose or misplace your ID bracelet, you will be charged \$10.00 for a replacement.
2. You must present your ID bracelet in order to receive canteen items, razors, mail or medications and to be given access to the library, recreation, visitation, phone calls, and haircuts. Showing your ID is inclusive of, but not limited to, these items listed.

B. Personal Cleanliness (Showing YOUR ID REQUIRED)

1. Hygienic supplies for maintaining proper personal hygiene are available for purchase through the canteen or will be given weekly if indigent.
2. You should shower as often as necessary to keep your person clean and free from odors. The Facility will provide you with soap and towels for this purpose. If a fellow inmate complains about your body odor, or if a Facility officer detects such odors, you will be required to shower. If you refuse, you will be forcibly showered by an officer of the same gender. In addition, you will be subject to certain restrictions.
3. Disposable razors, toenail clippers, and fingernail clippers are provided by the Facility for your use.
4. You will be dressed in your full uniform, i.e. jumpsuit, shirt, pants, slides/shoes, when you exit the dayroom area. While you are in the dayroom, you may wear a T-shirt and pants or a T-shirt with your jumpsuit top folded down and tied around your waist.
5. You will not wear tennis shoes inside the cellblock. Tennis shoes will be worn only when you are en route to and from, or actively participating in, outdoor recreation.
6. You should be especially watchful for crab lice. The prevalence of vermin is much greater where groups of people live together, particularly when they come from all walks of life. You should examine yourself daily or each time you shower. Should you become infected, you should immediately notify an officer.

C. Detention Facility Property

1. Bedding, towels, jump-suits, and other articles assigned to you belong to the Detention Facility. You must return them in good condition when you leave, if not, then you may be required to pay for the damage or loss you have caused. Property assigned to you cannot be transferred to another inmate.

Be careful not to damage plumbing or other equipment. REMEMBER, if you are found guilty of any destruction or loss of county property, after a hearing you may be prosecuted and may be required to pay for the damage or loss you have caused. Any debt incurred will remain on your account indefinitely or until paid in full.

D. Housekeeping Activities

1. You are required to clean your living quarters and share in maintaining cleanliness throughout the Facility. Your quarters will be thoroughly cleaned each morning, or more frequently if necessary. All inmates should share equally in performing these tasks. Hiring or transferring responsibilities to other inmates through devious means is prohibited. If you rebel or refuse to clean your quarters, or refuse to participate in required housekeeping activities, you will be subject to immediate disciplinary action.
2. All floors will be swept and mopped each morning, and more frequently if required.
3. All trash containers will be emptied and cleaned each morning, and more frequently if required.
4. Commodes and lavatories will be cleaned each morning, and more frequently if required.
5. Walls will be washed as needed. No writing or drawings will be allowed on the walls, doors, floors, etc. Covering of windows, air vents or cell doors will not be allowed.
6. No trash or debris will be thrown or swept behind or under the wire doors or interconnect doors.

E. Conduct

1. Gambling and fighting are prohibited. You must obey all Detention Facility rules and follow the detention officer's instructions. You must conduct yourself in an orderly manner with respect for the rights of staff and other inmates. If you fail to do so, you may lose the privileges which are permitted

to inmates in good standing, even to the point of disciplinary segregation. You are prohibited from controlling or attempting to control the actions or behavior of staff or other inmates by threat, promise, fear, force, or any other means. You cannot ridicule, tease, harass, or molest staff or another inmate.

F. Conduct and Work of Trustees, Work Release and Volunteer Workers

1. You will make your bed daily, your quarters will be cleaned daily, and you will be responsible for your own personal area.
2. You will shower daily and wear clean clothes.
3. You will be clean shaven and hair will be neatly trimmed.
4. You will be allowed to keep one (1) pair of tennis shoes in your possession. You may wear tennis shoes in your cellblock or when performing your assigned duties.
5. You will not use obscene language, talk loudly, or conduct yourself in any way which will reflect discredit on the Facility or the Sheriff's Office.
6. You will not visit or enter a lock-up cell block unless you are on a work detail. You will not do anything for lock-up inmates except what is required in your normal duties. If you are found in a lock-up cell block and are not on your assigned work detail, you will be subject to disciplinary action.
7. You may not be taken from the Facility on a detail except with an authorized person unless you are assigned to a work release program. You will not leave the Facility except to perform assigned duties or to accompany and assist officers in functions approved by the Sheriff, Chief Deputy, Facility Director or OIC. You will remain within sight of the authorized person at all times.
8. When you have completed your assigned duties, you will return to your quarters or to an area as directed by your supervising officer.
9. Violation of any of the above rules may subject you to disciplinary action or the loss of trusty or volunteer worker status.

Volunteer Worker

To be considered as a volunteer worker, you must be a pre-trial inmate incarcerated with non-violent charges and a low bond amount. Volunteer workers receive the same privileges as trustees. If you are

interested in becoming a volunteer worker you should submit an *Inmate Request Form* to the Captain of Program Services by placing it in the mailbox located in the dayroom of your cellblock.

2. Inmate Privileges

A. Programs/Services (Showing INMATE ID REQUIRED)

- Educational class attendance is required for those inmates who have not graduated high school and are under the age of 18; 21 special education.
- GED and tutoring classes, when available, are offered on a voluntary basis.
- Library use is a privilege available by submitting an *Inmate Request Form* by placing it in the mailbox located in the dayroom of your cellblock. You may check out 2 books at a time.
- NA and AA meetings, when available, are offered weekly to volunteers and court referrals.
- Substance abuse treatment programming, when available, is open to volunteers and court referrals.

B. Religious and other Services

Religious services are offered by the Facility Chaplain Monday-Friday. Requests for additional services or programs should be addressed to the Captain of Inmate Programs/Services.

C. Canteen (Showing INMATE ID REQUIRED)

You are allowed to purchase snacks, hygiene items, etc. *Canteen Order* sheets are collected each Sunday and Wednesday evenings and canteen is delivered Tuesday and Friday mornings (except holidays). Money must be in your account by Friday for Tuesday delivery and Wednesday for Friday delivery.

You have three (3) days to report non-delivery of store order (not shortage). If you leave this facility prior to delivery of your order, you or a person designated by you have three (3) days to pick-up the order. After three (3) days, all unclaimed orders will be destroyed.

MCDF DOES NOT PROVIDE FREE HYGIENE ITEMS TO ALL INMATES. INMATES WHO ARE NOT CLASSIFIED INDIGENT* WILL BE EXPECTED TO PURCHASE HYGIENE ITEMS FROM THE CANTEEN.

***Indigent— impoverished or lack of financial resources**

Indigent Hygiene Pack Qualifications:

1. You must have \$2.00 or less in your canteen account to receive a Hygiene Pack.
2. You must be in an indigent status for 30 days prior to ordering to qualify for Hygiene Pack.
3. If you wish to request an Indigent Hygiene Pack, you must submit an *Inmate Request Form*. *Inmate Request Forms* are collected each Sunday evening. Do not place this form in the dayroom mailbox.

Indigent Writing Materials:

1. You must have \$2.00 or less in your canteen account to receive an Indigent Writing Pack.
2. If you wish to request an Indigent Writing Pack you should submit a *Canteen Order Form*. The top portion of the *Canteen Order Form* should be completed (Location, Name, Signature, Booking Number). *Canteen Order Forms* are collected each Sunday evening. Do not place this form in the dayroom mailbox.
3. Indigent Writing Packs will be delivered on Thursdays when the canteen orders are delivered.
4. You will be charged \$1.25 for each Indigent Writing Pack you receive. In the event you have no funds or only partial funds in your account, the account will be placed in a negative balance. When funds are received, the total remaining fees will be deducted from your account.

Radios

1. The canteen offers radios and batteries for purchase. You may have no more than 1 radio and 9 batteries at any one time.

D. Recreation (Showing INMATE ID REQUIRED)

1. The Montgomery County Detention Facility provides a recreation program for all inmates who wish to participate.
2. This program includes facilities for both indoor and outdoor recreation and equipment for various types of individual and team activities.

3. You may be given the opportunity to participate in the recreation program Monday through Friday between 7:30 AM – 11:00 AM and 2:30 PM – 4:00 PM.

4. If you wish to participate in basketball or other games which may be played in the outdoor recreation area, you must wear tennis shoes. Tennis shoes will not be worn inside the cellblock. Tennis shoes will only be worn when you are en route to and from, or actively participating in, outdoor recreation.

- a. Tennis shoes are normally available for purchase from the canteen.
- b. Tennis shoes are not issued to you by the Facility nor are they authorized to be brought to you from outside sources.
- c. Tennis shoes are not issued free to indigent status inmates.

E. Haircuts (Showing INMATE ID REQUIRED)

1. Haircut services are provided each Tuesday by a licensed barber. You should submit a *Request for Haircut* form, obtained from the booth operator or rover, along with your *Canteen Order* form on Sunday evening.
2. You must have money in your canteen account in order to purchase a haircut. Once you submit your *Request for Haircut* form and money is deducted from your canteen account, you will not be issued a refund should you change your mind. Prices for haircuts are as follows:

a. Fade	\$8.00
b. Regular haircut	\$6.00
c. Line	\$3.00
d. Shave/Shape	\$3.00
e. Moustache Trim	\$2.00
3. Indigent inmates may submit a *Request for Haircut* form one (1) week prior to jury trial.
4. Trustees will receive one (1) free, regular haircut the first Tuesday of each month when you submit a *Request for Haircut* form.

F. Phone Calls (Showing INMATE ID REQUIRED)

1. When you are processed into the Montgomery County Detention Facility you will be allowed to make one phone call. Care will be exercised by the OIC of the shift to ensure that you do establish telephone contact with the intended party.
2. When you enter the facility, you will be assigned a Pin Number. Memorize your Pin Number. Do not share it with anyone. The first 10 numbers you dial will be the only numbers you will be allowed to call while you are incarcerated. These numbers include calls that are accepted, calls that are denied, calls that are blocked, etc.

3. All calls, with the exception of the initial call allowed when you enter the Facility, will be made collect to the receiving party. You must know the telephone numbers of the persons you are calling. Directory assistance is not available. Station-to-station calls will be billed to the receiving party by the telephone company at the current rate of \$3.00 for a 15-minute call. Rates are subject to change.
4. Telephone calls, other than those permitted at the time of initial entry into the Facility, are a privilege and not a right and may be given to those who need them and have earned them through cooperation with Facility personnel in conforming to the prescribed rules and regulations of the Montgomery County Detention Facility.
5. If you are here from the Department of Corrections, you will not be allowed the initial phone call at the time of entry.
6. For security purposes, telephone calls will be recorded and may be monitored.

G. Mail/Correspondence/Packages (Showing INMATE ID REQUIRED)

Legal Mail

1. You have a legal right to communication, without censorship, with counsel of your choice, public officials or the Courts. If applicable, you will be permitted to communicate, without censorship, within reasonable limits, with the Attorney General, the Director of the Bureau of Prisons, the Pardon and Parole Attorneys, the United States Marshalls, the United States District Judges, and any District Attorney or Circuit Court Judge.
2. Incoming communications addressed to you from any of the sources named above will not be subject to censorship. However, said communications will be opened in your presence by the office delivering your mail for the purpose of checking for contraband.
3. Incoming or outgoing communication between you and your attorney (licensed to practice in the State of Alabama) will not be opened except in your presence and then only to check for contraband.
4. Your attorney is prohibited from mailing out any letter, document, or correspondence for you or any other inmate in this facility.

Outgoing Mail

1. Normally you will be permitted to correspond with your family and friends. While awaiting trial, you may correspond with any individual you need to contact in the preparation of any defense. You are encouraged to maintain written contact with your family and friends while in the Montgomery County Detention Facility.

2. Contents of your letters shall be limited to matters of personal interest to friends and relatives. Other inmates in the Facility or Facility personnel are not to be discussed in outgoing mail. The use of profanity, threats, pornography, or diagrams of any part of this Facility is strictly prohibited.
3. Normally outgoing mail will not be opened for inspection unless there is reasonable cause to suspect it contains contraband which may affect the security of the Facility, inmates and/or staff. Such suspected mail will be opened only by order of the Director or Assistant Director, and then only in the presence of the sender.
4. Envelopes, stamps, pencils and paper supplies are available for purchase from the Canteen. If you wish to purchase writing supplies, complete a *Canteen Order Form* and submit it on the appropriate day. Handmade envelopes will not be accepted.
5. All outgoing mail must have a valid stamp affixed to the envelope. The following information must be written or printed in the upper left-hand corner of the envelope:

First and Last Name (*No initials or nicknames*)
 Booking # _____ MCDF
 P.O. Box 4599
 Montgomery, Alabama 36103
6. You should ensure that the address section of outgoing mail contains full information, i.e. first and last name, street address, city, state and zip code. Outgoing mail not properly addressed will be destroyed.

Incoming Mail

1. During in processing, you may sign the Montgomery County Detention Facility *Inmate's Personal Property Envelope* (section pertaining to opening of mail) which authorizes the Sheriff or any of his officers to open all mail (with the exception of legal mail) that you may receive while incarcerated at the Montgomery County Detention Facility. If you refuse to sign the authorization, any mail addressed to you will not be accepted and will be returned to sender. This does not apply to legal mail.
2. To afford maximum privacy, incoming communications between you and any source will not be censored. However, it will be opened and examined for contraband, cash monies, money orders, business checks, dividend checks, government checks, etc. Any monies other than money orders or cashier's checks will be returned to sender.

3. Communications you receive after you have been released from the Montgomery County Detention Facility will be returned to sender.
4. The Montgomery County Detention Facility is not required to pay cost of "Postage Due" on any incoming mail. Correspondence received in this manner will be returned to sender.
5. Incoming mail should have a return name, street address, city, state and zip code. Incoming mail not properly addressed will be destroyed.

H. Reading Materials (Check Out From Library)

You are allowed to keep *three (3) books* in your possession at one time.

- 1 Religious Book
- 2 Library Books

Reading materials from outside sources are not allowed.

I. Visitation (Showing INMATE ID REQUIRED)

Non-public visitors (attorneys, court officials, ministers, etc.) may see inmates Monday-Friday from 8:00 AM – 11:00 AM, from 2:30 PM – 4:00 PM, or from 7:00 PM – 9:00 PM. Non-public visitors may have special visits by contacting the Captain of Inmate Programs or the Assistant Director. No visitation is allowed on holidays.

1. As part of the booking process, you should complete a visitation card listing the names, addresses, and relation of a maximum of five (5) visitors, including juveniles. Juveniles will not be left unattended at anytime. All visitors must be present at the same time and all adult visitors must produce photo identification in order to begin registration for visitation. The people listed on your visitation card will be the only approved visitors with the exception of non-public visitors such as attorneys, court officials, etc.

Violation of any visitation rule will result in immediate termination of visit and/or loss of future visitation privileges. You may revise your visitation card the first of each month only.

2. You should list the name of **your** clergy on your visitation card. All clergy will be required to provide identification, as well as credentials, indicating they are ordained clergy.

3. You will receive only one (1) visit per week. The exception will be for inmates who are sentenced to the County Detention Facility or inmates who are volunteer workers. These inmates are classified as Trustees and they may receive two (2) visits per week.
4. Public visitation is based on the first letter of your last name, as well as your classification. Visitors will need to know your classification (Protective Custody, Suicidal, Trusty, General Population, etc.) in order to determine the proper visitation day and time. You are responsible for informing your visitors of your classification.
5. Registration for visits will begin fifteen (15) minutes prior to the scheduled visitation hours. Visitors will receive visits on a first come-first serve basis. Early registration is recommended due to limited visiting hours.
6. In most cases we have offered at least two different days and times for each letter of the alphabet. Visitors may choose the day and time convenient for them. However, non-trusty inmates receive only one (1) visit every seven (7) days.
7. Special visits, twice a month for one hour each visit, for individuals living outside the State of Alabama may be scheduled by contacting the Captain of Inmate Programs/Services.

Visitation Schedule

General Population (Male)		General Population (Female)	
(A-L)	Saturday 8:00 am to 11:00 am	(A-Z)	Sunday or Tuesday 7:00 pm to 9:00 pm
(A-F)	Monday 7:00 pm to 9:00 pm		(One Visit per 7 days)
(G-L)	Thursday 7:00 pm to 9:00 pm		Trustees(Female)
	(One Visit per 7 days)		(A-Z) Saturday and Sunday 2:30 pm to 4:30 pm
(M-Z)	Sunday 8:00 am to 11:00 am		(Two Visit per 7 days)
(M-S)	Wednesday 7:00 pm to 9:00 pm		
(T-Z)	Friday 7:00 pm to 9:00 pm		
	(One Visit per 7 days)		
Trustees (Male)		Protective Custody & Suicidal	
(A-Z)	Saturday 7:00 pm to 9:00 pm	(A-L)	Saturday 2:30 pm to 4:30 pm
(A-Z)	Tuesday 7:00 pm to 9:00 pm	(M-Z)	Sunday 2:30 pm to 4:30 pm
	(Two Visits per 7 days)		

3. Jail Operations

A. Personal Property

You are not allowed to have valuable articles in your possession nor are you allowed to transfer clothing or other property to other inmates. Property found in violation will be confiscated and forfeited. Body jewelry and wigs are not allowed. At the time of booking, all property taken from you should be listed on the property inventory log.

Personal property may be released at any time during the first 72-hours of admittance. After that, property may be released on your scheduled visitation day. Excess property not picked up by family or friends within 7 days of booking will be destroyed.

You will be requested to sign your property slip at the point of booking. At the point of release, again you should sign your property slip fully acknowledging the fact that you have received all the items listed on the log. The Montgomery County Detention Facility has a \$50.00 cap on its liability for any personal items. It is your responsibility to remove any personal property assessed at over \$50.00 within three (3) days of admittance. Claims for lost inmate property should be filed with Detention Facility staff upon release.

B. Money

Friends and relatives may deposit money orders (no cash or checks are accepted) in your inmate account Monday through Friday between the hours 8:00 AM-4:00 PM., excluding holidays. Money orders should be made payable to MCITF. You are not allowed to have money in your possession.

C. Escape and Contraband

Any inmate who escapes, attempts to escape, assists another to escape, or is responsible for bringing into the Detention Facility any weapons, saws, tools, narcotic drugs, alcohol, hallucinogenic substances, or any items not approved by the Detention Facility will be prosecuted as provided by law. There will be no exceptions.

D. Grievance

You are entitled to voice any grievance to the Jail Administration. You are encouraged to put the grievance in writing on the *Inmate Grievance Form* and place it in the mailbox located in the dayroom of your cellblock. The Administration will give prompt and fair consideration to any grievance and will take appropriate action when warranted.

E. Food (Showing INMATE ID REQUIRED)

You will be served three meals a day at regular intervals. The food will be wholesome and nutritional. Since food is expensive, you must not waste it. The menus meet recommended dietary allowances, Alabama Administrative Code, American Correctional Association and Local Health Code Standards.

Uneaten food items should remain on your tray and be returned during pick-up. Hoarding of food items provided by the Detention Facility will not be allowed.

F. Medical Services (Showing INMATE ID REQUIRED)

Reasonable and customary medical treatment is available to you. Limited dental treatment is also available. You may request, at your own expense, a private physician (such appointments will be made by this Facility and will be unknown to you and your family). Otherwise, the service will be in accordance with the Detention Facility's medical plan. You should have an opportunity to report illnesses daily through the *Inmate Request Forms*. You may refuse, in writing, health treatment and care; however, you must do so in the presence of the health care staff.

Medical Charges to Inmates

You will be charged a co-payment of \$10.00 for all self-initiated, non-emergency medical services. However, indigent inmates will never be denied medical services.

If you are involved in an altercation that results in injury to another inmate or officer, you will be charged a medical fee for the injured inmate's or officer's medical treatment.

In the event you have no funds or only partial funds in your account, the account will be placed into a negative balance. When funds are later received, the total or remaining fees will be deducted from your account.

Upon release from the Facility, any unpaid medical fee balance will reflect a debit on your account from the date of release. If re-incarcerated, that debit will be deducted from any future funds then deposited to your account.

G. Searches

Your cell, your bunk area, and your person will be subject to random searches for contraband.

You may be subject to unclothed searches under the following conditions:

1. Contact with persons from outside the facility
2. Re-entering secure area of facility
3. Legitimate penological concerns

H. Laundry

Uniforms and linens are washed weekly. Blankets are washed every three (3) months. The only items that should be placed in your laundry bag are:

1. 1 Uniform
2. 1 Towel
3. 1 Face Cloth
4. 2 Sheets

Do not send both uniforms to laundry on change-out day. We will not be responsible for, nor will we replace, any personal items that are lost. Do Not Place Personal Items In Laundry Bag.

Change-Out Schedule

1. 4-North, 4-South and 4-Isolation change out day is Monday. Indigent hygiene requests should be sent down **Sunday** afternoon.
2. 3-North, 3-South and 3-Isolation change out day is Tuesday. Indigent hygiene requests should be sent down **Sunday** afternoon.
3. 2-South and Medical change out day is Wednesday. Indigent hygiene requests should be sent down **Sunday** afternoon.
4. 2-North, (D,E,F,G) change out day is Thursday. Indigent hygiene requests should be sent down **Sunday** afternoon.

I. Television

Television is a privilege, not a right. Television privileges may be given to those cellblocks who have earned them through cooperation with facility personnel and by complying with the prescribed rules and regulations of the Montgomery County Detention Facility. The television may be turned on at 6:00 PM and will be turned off at 10:30 PM. Cellblocks with good behavior may receive additional television privileges for the weekend.

J. Marriage

You will not be allowed to marry while incarcerated in the Montgomery County Detention Facility.

K. Voting

Notices will be posted in cellblocks advising you of upcoming elections. If you are a registered voter, you may request an "Application for Absentee Ballot" from the county in which you are a legally qualified voter. You will receive a ballot thirty

L.**Lockdowns**

(30) to forty-five (45) days before the election. You will be responsible for completing the ballot and mailing it to the Absentee Election Manager by the U.S. Mail.

When a lockdown is ordered, you should immediately go to your assigned room or sit on your mattress if you are assigned to the floor. You should remain quiet and in place until further notice is given.

This facility maintains complete security lockdown of all inmates daily during the following hours:

12:30 PM – 2:30 PM
9:30 PM – 6:00 AM

The facility may maintain security lockdown at other times as needed for special security reasons.

The facility will conduct a roll call at 2:00 PM each day. You should remain quiet and in place during this roll call.

Besides the routine inmate lockdown at shift changes, afternoons, and nights, there are times when security/emergency situations dictate additional needs for inmate lockdown. *Therefore, it is necessary that all inmates, at all times, immediately obey orders to lockdown.*

- *Inmates/cellblocks/dorms that refuse to lockdown immediately upon order to do so will cause that inmate/cellblock/dorm to go on 24-hour DISCIPLINARY LOCKDOWN and lose all inmate privileges for that 24 hours (i.e. no television, no telephones, no visitation, no canteen, no recreation, no library).*

Any inmate/cellblock/dorm that continues to be *non-compliant during the 24-hour DISCIPLINARY LOCKDOWN* will have the *DISCIPLINARY LOCKDOWN* (and loss of all inmate privileges) *extended for an additional 24-hour period.* Inmate/cellblocks/dorms in this status will also be put on bagged meals. No inmates will be moved out of a cellblock/dorm while on *DISCIPLINARY LOCKDOWN* status except for security reasons. If relocated, those inmates will be on *24-HOUR DISCIPLINARY LOCKDOWN* wherever they are housed.

- *Inmates/cellblocks/dorms that are involved in incidents that threaten the security of this facility will cause that inmate/cellblock/dorm to go on 24-HOUR SECURITY LOCKDOWN and lose all inmate privileges for that 24 hours (i.e. no television, no telephones, no visitation, no canteen, no recreation, no library).*

Any inmate/cellblock/dorm that continues to be *non-compliant during the 24-HOUR SECURITY LOCKDOWN* will have the *SECURITY LOCKDOWN* (and loss of all inmate privileges) *extended for an additional 24-hour period*. Inmate/cellblock/dorms in this status will also be put on bagged meals. No inmates will be moved out of a cellblock/dorm while on *SECURITY LOCKDOWN* status except for security reason. If relocated, those inmates will be on *24-HOUR SECURITY LOCKDOWN* wherever they are housed.

M.

Inmates Sentenced To Department of Corrections

Inmates entering Kilby Receiving Center will wear jumpsuits furnished by the Department of Corrections. The only personal property you will be allowed to take with you will be:

- 1 plain gold or silver wedding band
- Legal materials/documents pertaining to current or pending case(s)
- 1 pair white tennis shoes
- 1 watch (valued at \$25.00 or less)
- 1 Bible or Koran

You should complete a *Property Release Form* in order to have the property that you cannot take with you picked up. Property not picked up within seven (7) days will be destroyed.

N.

Notary Services

Notary Service is provided for Federal legal documents only at a charge of \$.50 (50 cents) per page.

4. Violations, Penalties, Hearings

A. Minor Violations

1. Acting insolent toward personnel
2. Lying or providing a false statement to staff
3. Using abusive language
4. Participating in an unauthorized gathering
5. Being in an unauthorized area, including another inmate's cell
6. Making, possessing, or using intoxicants
7. Smoking
8. Gambling
9. Being unsanitary/untidy; failing to keep your person or quarters clean
10. Loaning property or anything of value for profit
11. Malingering or feigning an illness
12. Failure to be fully dressed anytime outside of cell or off bunk or mattress
13. Wearing any material, in any way, on the head
14. Leaning on (or over) railings or sitting on the stairs
15. Using any Facility property for unintended purpose
16. Covering air vents with paper, etc.

B. Major Violations

1. Minor violations repeated 3 times
2. Possessing unauthorized clothing
3. Burning paper or any other material for any reason
4. Possessing any items not on the approved list of items allowed to inmates (i.e. contraband such as money, jewelry, cigarettes, lighters, matches, etc.)
5. Writing on the walls, furniture, clothing, or other minor damage to Detention Facility property of less than \$50.00
6. Failing to comply with an officer's lawful order
7. Fighting
8. Attempting to control other inmates, whether through coercion, force, or threat
9. Refusing to provide a urine or breath sample upon request
10. Giving or offering any official or staff member a bribe or anything of value
11. Destroying, altering, or damaging Detention Facility property or property of another person
12. Possessing unauthorized property belonging to another person or the government (stealing)
13. Tampering with or blocking any locking device
14. Hoarding, selling, or transferring medication issued by the Detention Facility or from any source
15. Failing to stand count or interfering with a count
16. Violating rules or regulations

17. Disrupting or abusing canteen, visitation, telephone, library, classes, or recreation privileges
18. Disrupting or abusing religious, medical, or food services, or any other Detention Facility activity or program
19. Stoppage of, or placement of foreign objects or matter into toilets, showers, sinks or any other drains

C. Serious Violations

1. Major violations repeated 3 times
2. Murder
3. Starting any fire may be considered arson and you will be charged appropriately
4. Indecent exposure (masturbating)
5. Possessing or introducing a gun or other weapon into the Detention Facility
6. Rioting or encouraging others to riot
7. Assault and battery on inmate and/or personnel
8. Practicing extortion or blackmail, demanding or receiving anything of value in return for protection against others to avoid bodily harm or under threat of informing
9. Engaging in a sexual act
10. Making sexual proposals or threats
11. Possessing or introducing an explosive, or any object modified to be used as a weapon, chemical agent, or any type of ammunition, into the Detention Facility
12. Possessing, selling, using or introducing into the facility any narcotics, narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by medical personnel
13. Violating a condition of furlough, pass, or any other conditional or temporary release (i.e. funeral, work, etc.)
14. Leaving the Detention Facility without authorization
15. Violating any municipal, county, state, or federal law
16. Counterfeiting, forging, or reproducing without proper authorization, any document, article of identification, money, security items, or official paper
17. Acting in a way that disrupts or interferes with security or orderly running of the Detention Facility (i.e. failure to lock-down/return to bunk, not returning issued razors at change-out or at release)
18. Encouraging, facilitating, or otherwise conspiring with others to commit any prohibited act
19. Escaping, attempting to escape, or planning to escape, including failing to return from an approved work release program or community activity at a designated time.
20. Stealing
21. Damaging Detention Facility property (in excess of \$50.00)
22. Attempting to intimidate or actually intimidating or controlling personnel or other individuals whether through coercion, force, or threat
23. Interfering with security operations or devices such as firearms, smoke detectors, security strips, blocking or jamming cell doors or cameras, altering or destruction of Inmate ID bracelets, etc.

D. Penalties for Violations

1. For minor violations, you may be verbally reprimanded if it is the opinion of the detention officer that the reprimand should prevent the infraction from happening again. Restriction of privileges may be imposed for a period up to 48 hours (two days) for a minor violation.
2. For a major violation, you may be denied any or all privileges for a period of time not to exceed 240 hours or ten days and/or be placed in disciplinary housing.
3. For any serious violation, you may be denied any or all privileges for a period not to exceed 720 hours or thirty days, placed in disciplinary housing, and receive criminal charges if applicable.

E. Disciplinary Procedures

When staff finds it necessary to charge you with a minor, major, or serious violation of the rules of conduct, he/she should comply with the following procedures:

1. Notification of Supervisor
2. Prepare an *Incident Report* if major or serious violation (and *Use of Force Report*, if applicable)
3. Advise you of the specific violation/charges and maximum penalties
4. Schedule a Disciplinary Hearing as soon as practicable within 7 days of the offense
5. Advise you of your right to a hearing
6. If you acknowledge that you have committed the violation as charged, the Hearing Clerk may proceed to impose the applicable penalty
7. If you deny you have committed the violation, a hearing should be scheduled as soon as practicable. You should be notified of the time and place of the hearing at least 24 hours in advance of the hearing. This will give you time to prepare for your defense
8. You may appeal the decision of the Hearing Clerk within 7 days of decision notification based upon the following:
 - (a) Procedural errors
 - (b) Submission of new evidence
 - (c) Insufficiency of a finding of evidence that proves you did not commit the prohibited act
 - (d) Prejudice or other appropriate grounds

If you are accused of violating a serious or major infraction, you may be confined to your cell or placed in disciplinary isolation pending the hearing.

F. Hearing/Review Rules of Conduct

You must conduct yourself in an appropriate manner during the hearing. Rules of conduct must be adhered to during the hearing/review proceedings as follows:

1. Full uniforms required, worn properly
2. No headwear allowed
3. Reasonable, civilized behavior is expected
4. Using abusive language (profanity) is a violation of Facility rules; If you use abusive language at the hearing, you will be removed and the hearing continued in your absence and you may receive additional restriction of privileges for a period of up to five days. If you attempt to intimidate or actually intimidate the hearing clerk and/or witnesses, you will be removed and the hearing continued in your absence and you may be denied any and all privileges for a period of thirty days, placed in disciplinary segregation, and/or receive additional criminal charges.

5. Summary

- A. Nothing herein contained will prevent additional criminal and/or civil action against you.
- B. Violations of rules of conduct may result in loss of privileges and other disciplinary actions.
- C. In an emergency, there may be temporary modification or suspension of the rules and regulations contained in this handbook.
- D. Changes, deletions, additions, or cancellations to these rules and regulations may be made as determined by the Administration of the Montgomery County Detention Facility.